

Amagis Capital Group – Clients and third parties’ privacy notice

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	Extended Retention Consent Form	Errore. Il segnalibro non è definito.

1. SCOPE OF THIS DOCUMENT

This document cover any relationship you may have with each of the relevant company forming part of the Amagis Capital group of companies (“**We**”/“**Us**”/“**Our**”), and namely (i) Amagis Capital Services Ltd, (ii) Amagis Capital Ltd, (iii) Amagis Capital Funds SICAV p.l.c., (iv) Amagis Risk Limited, (v) Amagis SCC p.l.c., (vi) Amagis Capital Partners LLP, (vii) Amagis Capital Holdings Ltd, (viii) Ama UCITS SICAV p.l.c., (ix) Amagis LX Limited and (x) AmaThynk Ltd (jointly the “**Amagis Group**”). The Data Protection Notice applicable to Amagis Capital Management LTD is set out in a separate document and is available at https://www.amagiscapital.com/uploads/6/4/9/2/6492235/acm_dataorotectioinnotice_180615.pdf.

The registered addresses of the Amagis Group companies are the following:

- With respect to Amagis Capital Ltd and Amagis Capital Partners LLP, 11 Maddox Street, W1S2QF, London, United Kingdom.
- With respect to the other companies forming part of the Amagis Group, 184, St. Lucia Street, Valletta, VLT1189, Malta.

We are committed to respecting your privacy. If you wish to contact Us about Our privacy practices please feel free to get in touch at Our email at info@amagiscapital.com. You may also wish to contact us by telephone on (+356) 21221822.

2. WHAT IS THE PURPOSE OF THIS DOCUMENT?

This document sets out how the companies forming part of the Amagis Group process personal data and sets out the rights of Data Subjects pursuant to the Data Protection Act, Chapter 440 of the Laws of Malta, Regulation 2016/679 (the “**GDPR**”), European Commission Decisions, binding EU and national guidance, and all national implementing legislation (the “**Data Protection Legislation**”). Please ensure that you notify any third-parties whose Personal Data you provide to the Company (e.g. authorised representatives, beneficial owners) about the existence and content of this Data Protection Notice.

The term “personal data” and/or “personal information” refers to all personally identifiable information about you, such as your name, surname and address, and includes all information which may arise that can be identified with you personally.

3. DATA PROTECTION PRINCIPLES

We will comply with data protection law and principles, which means that your data will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that We have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes We have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes We have told you about.
- Kept securely.

4. THE KIND OF INFORMATION WE HOLD ABOUT YOU

The personal data we typically collect and process are:

- a. The personal data that We collect for the fulfilment of our client engagement procedures including all personal data in our engagement letter, due diligence documentation, and any documents or information which you may be required to supply to Us for such purposes;

- b. Personal data that We may process as a result of legal obligations imposed on Us;
- c. Your identity details such as your name, surname, employer, title, position, and status and/or any information contained in documents made available on public registries, and/or by you and/or third parties, following your instructions to Us;
- d. Personal data contained in documents publicly available and accessed in order to allow us to provide you with and/or evaluate whether providing you with our services;
- e. Your contact information such as your email address, physical address and telephone numbers;
- f. Your bank account details and other financial information;
- g. Any information you provide to Us when posting a query, complaint or observation through Our website and/or on our social network accounts;
- h. Information you provide to Us for the purposes of attending meetings or events;
- i. Personal data provided to us by, on behalf of or in relation to our clients, business partners, service providers and employees;
- j. Any personal data lawfully generated by Us in the course of executing Our client's instructions; and
- k. Any personal data which you may voluntarily provide to Us.

We may also collect, store and use the following types of more sensitive personal information:

- a. Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- b. Information about criminal convictions and offences.

5. HOW IS YOUR PERSONAL INFORMATION COLLECTED?

As a group of companies providing an array of different services and solutions, We regularly collect personal data as part of our advisory, structuring and regulated services and obligations. We typically collect personal data:

- As part of Our client engagement procedures;
- When you or your company and/or your service providers/advisors/representatives request Our services and/or advice;
- When you or your company provides services to Us or refers clients to Us;
- When you post an e-mail, call, post and/or file a complain or observation through Our website, social network accounts (e.g. LinkedIn, Facebook, Twitter); and

- When you contact Us voluntarily in other circumstances such as when seeking a meeting with Us or seeking to attend a firm organised or sponsored event.

Generally, you would have provided your personal data to Us. However, in some instances, We may collect personal data about you from third party sources, such as online searches or from public registers.

Third parties such as Our clients and business partners may also have provided your personal data to Us.

6. HOW WE WILL USE INFORMATION ABOUT YOU AND YOUR PERSONAL DATA

Irrespective of the manner that We have collected your personal data, We will only process such data for the purposes of providing you with or evaluate whether to provide you with and/or how to provide you with Our services or purposes which are inherently related thereto, including the fulfilment of any legal or regulatory obligation imposed on Us.

As a general practice, we envisage to process your personal data for:

- Providing Our advice and services to you or to Our clients;
- Complying with Our legal obligations, in particular Our legal obligations with respect to anti- money laundering and combating the funding of terrorism;
- Conflict check purposes;
- Managing our relationship with you, or your company, including for billing and debt collection purposes and/or with any third parties appointed by you;
- Securing access to our offices;
- The purpose of a legitimate interest pursued by Us or by a third party, provided such interest is not overridden by your interests, fundamental rights and freedoms;
- The purposes you would have requested when providing Us your personal data; and
- Keeping you updated with legal, financial, regulatory updates, proposed projects, new initiatives and proposed transactions, potential cooperation between you, your service providers, and/or any of your contacts and Us, news, and events organised by the firm where it is in our legitimate interests to do so.

We also need to process your personal information to decide whether to enter into a contract with you.

We might also process your personal data on the basis of your explicit consent, in which case we will process your data for the purposes for which your explicit consent was requested. Processing your data on the basis of consent is not envisaged, except with respect to communications related to legal, financial and regulatory updates, newsletters and events in cases where we do not have a legitimate interest to send you such communications.

Failure to provide information

Regretfully, if you fail or refuse to provide information when requested, which is necessary for us to consider your on-boarding process (such as source of funds, passport copy and financial information), we will not be able to on-board you successfully. For example, if we require you to fill in questionnaires and related modules and/or parts of our engagement letter, and you fail to provide us with relevant details, we will not be able to take your on-boarding further.

7. LEGAL BASIS FOR PROCESSING

We process your personal data on the basis of the following legal bases:

- **Entering into and performing a contract** – in particular to provide Our services, managing Our relationship or receiving a service from you or your company. Providing such personal data is necessary for our performance of such contract (including the services rendered under Our Engagement Letter subject to the terms and conditions set forth therein). The consequence for not doing such processing would be that we would be unable to provide you with our services and enter into a contract of engagement;
- **Our legitimate interests** – in particular legitimate interests which may arise directly or indirectly in relation to Our client's instructions, Our internal policies, proposed projects, new initiatives and proposed transactions, potential cooperation between you, your service providers, and/or any of your contacts and Us. When we process your personal data on the basis of Our legitimate interests, we ensure that the legitimate interests pursued by Us are not overridden by your interests, rights and freedoms;
- **Your explicit consent** – in which case, Our processing shall be limited to the purposes specifically indicated when your consent was requested. Processing on the basis of your consent is not envisaged, except with respect to communications related to events, news and legal updates where we do not have a legitimate interest to send you such communications; and
- **Compliance with legal obligations imposed on Us** – in particular obligations imposed on Us as a result of anti-money laundering and combating the funding of terrorism legislation, and to prevent, detect, respond or report other potential illegal activities.

On the basis of Our legitimate interests or compliance with legal obligations, as applicable, We may also process your personal data for the purposes of establishing, exercising or defending legal proceedings.

Note that special categories of personal data include data revealing your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic, biometric or health data, sexual orientation and data related to your conviction and offences.

When special categories of personal data become envisaged on another basis, we will ensure that we have additional grounds for processing your personal data and will communicate to you any relevant information which may be required under applicable laws.

8. HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

We will use your particularly sensitive personal information in the following ways:

- We will use information about your disability status to consider whether we need to provide appropriate adjustments during the on-boarding process and/or your enrolment at our initiatives, for example whether adjustments need to be made during a meeting and/or an event.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure compliance with the applicable laws and, in particular, immigration laws.

9. INFORMATION ABOUT CRIMINAL CONVICTIONS

We envisage that we will process information about criminal convictions.

We will collect information about your criminal convictions history if we would like to onboard you as a client (conditional on checks and any other conditions, such as AML, being satisfactory). For certain transactions, we are required and/or entitled to carry out a criminal records check in order to satisfy ourselves that there is nothing in your criminal convictions history which makes you unsuitable to be onboarded as a client. In particular:

- We might be legally required by the FIAU, MFSA and/or FCA to carry out criminal record checks for certain engagements;
- Certain transactions require to work together on a high degree of trust and integrity since it involves dealing with highly confidential information, high value client money, relevant discretionary decisions, patents, regulated entities, investors' money, third party personal data and so we would like to ask you to seek a basic disclosure of your criminal records history.

We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data.

10. AUTOMATED DECISION-MAKING

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

11. DATA SHARING

Why might you share my personal information with third parties?

We may only share your personal information with the following third parties for the purposes of processing your application: (i) any company falling within the Amagis Group (and respective employees, directors, functionaries and/or advisors), (ii) the Malta Financial Services Authority, the Financial Conduct Authority (iii) and, in general, public authorities where required by law. We have been informed that all our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies.

We may also share your personal data with third party recipients who are:

- any service providers that may have access to your personal data in rendering Us with their support services, including IT and accounting service providers;
- third parties to whom disclosure may be required as a result of the relationship with Our client;
- third parties involved in the organisation of Our events;
- any business partners to whom you may have requested that we transfer your personal data; and
- third parties to whom disclosure may be required as a result of legal obligations imposed on Us.

Unless specifically instructed and consented by you, we do not share your personal data with any entity located outside of the EU or EEA.

12. DATA SECURITY

Your personal data may be stored in paper files or electronically on our technology systems or on technology systems of our IT service providers.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Data Privacy Manager.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

13. DATA RETENTION

Why and how long will you use my information for?

We retain your personal data exclusively for the period which is lawfully permissible to retain your personal data. Thereafter, your personal data shall be immediately and irrevocably destroyed.

As a result of legal obligations imposed on Us, we typically retain your personal data for up to ten (10) years from the closure of your file and you cease to be Our client, unless we have a statutory obligation imposed on Us to retain your data for a further period or a business need or require your personal data to exercise or defend legal claims.

If we have a contractual relationship with you and you are not Our client, we typically retain your personal data for up to five (5) years from the end of Our contractual relationship on the basis of Our legitimate interests to protect ourselves from civil cases which you might institute against Us in relation to Our contractual relationship.

Invoices, credit notes and similar transactional documents or information will be kept by Us for up to nine (9) years from completion of the relevant transaction on the basis of legal obligations imposed on Us to retain such information.

We may have a legitimate interest to hold your data for longer periods such as when your data is required for exercising or defending legal claims.

Any personal data which We may hold on the basis of your consent shall be retained exclusively until when you withdraw your consent.

14. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Portability** - you may request that We provide you with certain personal data which you have provided to Us in a structured, commonly used and machine-readable format. Where technically feasible, you may also request that we transmit such personal data to a third-party controller indicated by you.
- **Right to lodge a complain** – you have the right to lodge a complaint regarding the processing of your personal data with the supervisory authority for data protection matters. Please refer to the relevant Section hereunder for further information on this;

- **Withdraw your consent** – where Our processing is based on your consent, you have the right to withdraw your consent. Withdrawal of your consent shall not affect the lawfulness of the processing based on your consent prior to the withdrawal of your consent; and
- **Be informed of the source** – where the personal data We hold about you was not provided to Us directly by you, you may also have the right to be informed of the source from which your personal data originates.

Note that We may contact you about Our legal, informative, structuring and regulatory initiatives and financial updates, newsletters and events on the basis of Our legitimate interests to keep you informed of such matters if you are a client of Our services. In this respect, you have a right to opt-out and to object to receiving any further such communications from Us.

Note that if We contact you about Our legal updates, newsletters and events on the basis of your consent, you have a right to withdraw your consent and no longer be contacted for such purposes at any time.

Please note that in terms of the applicable laws, your rights in relation to your personal data are not absolute.

You may exercise the rights indicated in this section by contacting Us or Our Data Protection Officer at the details indicated above.

You may exercise the rights contained in this section contacting the Data Privacy Manager in writing.

15. RIGHT TO WITHDRAW CONSENT

When you enter into an agreement with us, you provided consent to us processing your personal information for the purposes of allowing us to perform our obligations under the relevant agreement and, amongst others, to perform our KYC/AML and on-boarding assessments. You have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact the Data Privacy Manager. Once we have received notification that you have withdrawn your consent, we might not be able to perform anymore our obligations under the relevant agreement and, subject to our retention policy, we will dispose of your personal data securely.

16. DATA PRIVACY MANAGER

We have appointed a data privacy manager to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the data privacy manager. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues, and/or, where applicable, to the Office of the Information and data Protection Commissioner in Malta (www.idpc.gov.mt).

17. UPDATES

We may update this Privacy Notice in Our sole discretion including as result of a change in applicable law or processing activities. Any such changes will be communicated to you prior to the commencement of the relevant processing activity.

